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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,095	09/17/2002	Louis M. Kindt	BUR920020016	6154
7590	06/15/2004			
Richard M. Kotulak			EXAMINER	
IBM Corporation			MOHAMEDULLA, SALEHA R	
IP Law Department, 972E			ART UNIT	PAPER NUMBER
1000 River Street			1756	
Essex Junction, VT 05452				
DATE MAILED: 06/15/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/065,095	KINDT, LOUIS M.
	Examiner Saleha R. Mohamedulla	Art Unit 1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 05 May 2004.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 14-21 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-13 and 22 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

Claims 1-22 are pending.

***Election/Restriction***

1. The Applicant's election of Group I, claims 1-13 and 22, is acknowledged. Because the Applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).  
Claims 1-13 and 22 are considered and claims 14-21 are withdrawn from consideration.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites that "the radiation from the heat source passes to areas of the mask that are not being exposed to radiation." It is unclear as to how radiation can pass to areas that are not exposed to radiation. It appears from the claim language that there is only one source of radiation, that is, the heat source. It is unclear as to whether exposure radiation is being claimed. Also, the claim recited that heat is filtered to the mask areas subject thermal heating. This is unclear as it appears that because heat is filtered to the areas, the areas are subject to thermal heating. Claims 2-13 are rejected as being dependent on claim 1.

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5. Claim 1 recites the limitation "the radiation" in lines 4 and 7. There is insufficient antecedent basis for this limitation in the claim. Claims 2-13 are rejected as being dependent on claim 1.

6. Claim 2 recites the limitation "the radiation" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim. Claims 5-7 are rejected as being dependent on claim 2.

7. Claim 4 recites the limitation "the radiation" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 9 is rejected as being dependent on claim 4.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 11, 12 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by US# 6,228,540 to Kobayashi.

Kobayashi teaches supplying heat from a first heat source located under a photomask board whose surface is coated with a resist and partially supplying heat to the board from a second heat source located outside an end surface of the board and a cooling process for cooling the photomask board while partially supplying heat to the board from a second heat source located outside the end surface of the board (col. 4, lines 35-55). Kobayashi also teaches heat treatment equipment such as a base plate that is arranged under the photomask board and

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supplies heat to the board and also teaches an end surface use plate that is arranged on an end surface side of the board and partially supplies heat laterally to the photomask board (col. 5, lines 60-70). The base plate supplies heat to the mask that are not being exposed to radiation and the end surface use plate filters heat from areas of the mask that are subject to thermal heating. The filter in Kobayashi comprises the base plate and the end surface use plate. Kobayashi teaches that the heat source and mask move together (col. 2, lines 40-45).

*Allowable Subject Matter*

10. Claims 2-10 and 13 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

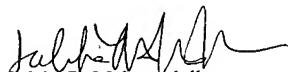
*Conclusion*

11. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Saleha Mohamedulla whose telephone number is (571) 272-1387. The Examiner can normally be reached Monday-Friday, from 8:00 AM to 4:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Mark Huff, can be reached on (571) 272-1385. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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Technology Center 1700  
June 14, 2004